

Files 37515; 7542001; 7542002; 7542003
Drawing 8B-27-12A

Multnomah County Official Records **2012-091978**
R Weldon, Deputy Clerk 07/30/2012 11:29:16 AM
1R-EASETERM Pgs=11 Stn=21 ATEB
\$55.00 \$11.00 \$10.00 \$15.00 \$20.00 \$111.00

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 22 day of JUNE, 2012, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and SONJA D. HOLMES and ZANE O. HOLMES; ELLEN JEANNE HUTTON and DOUGLAS EDWARD HUTTON; ANTHONY NESHEIM and MOLLY NESHEIM; DANIEL JOSEPH DAVIS; EDWARD R. PERKINS and ELAINE M. PERKINS; DAVID P. CARTER and AIMEE L. ULLRICH; WILLIAM B. LACY and BARBARA M. BROOKS-LACY, TRUSTEES OF THE William B. Lacy and Barbara M. Brooks-Lacy Trust, executed the 25th day of January 2011, hereinafter called "Owners".

WHEREAS, State by Warranty Deed recorded December 2, 1966, in Book 537, Page 372, Multnomah 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 Westerly side of the Lower Columbia River Highway, opposite Engineer's Station 283+80, (Reserved Access Rights), and

AFTER RECORDING RETURN TO:

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

OWNERS AND ADDRESSES:

Ellen Jeanne Hutton and Douglas Edward Hutton
17841 NW St Helens Rd, Portland, OR 97231

Anthony Nesheim and Molly Nesheim
17929 NW St Helens Rd, Portland, OR 97231

Daniel Joseph Davis
17903 NW St Helens Rd, Portland, OR 97231

Edward R. Perkins and Elaine M. Perkins
17885 NW St Helens Rd, Portland, OR 97231

Sonja D. Holmes and Zane O. Holmes
19333 NW St. Helens Rd., Portland, OR 97231

David P. Carter and Aimee L. Ullrich
8218 N Foss Avenue, Portland, OR 97203

William B. Lacy and Barbara M. Brooks-Lacy, Trustees
18141 NW St Helens Rd, Portland, OR 97231

WHEREAS, Owner (Holmes), by deed recorded November 18, 2004, in Document No. 2004-209326, Multnomah County Deed Records, acquired fee title to a portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner (Hutton), by deed recorded August 22, 2001, in Document No. 2001-131817, Multnomah County Deed Records, acquired fee title to a portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner (Nesheim), by deed recorded January 10, 2006, in Document No. 2006-005489, Multnomah County Deed Records, acquired fee title to a portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner (Davis), by deed recorded October 26, 2011, in Document No. 2011-118437, Multnomah County Deed Records, acquired fee title to a portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner (Perkins), by deed recorded December 30, 1982, in Book 1636, Page 975, Multnomah County Deed Records, acquired fee title to a portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner (Carter and Ullrich), by deed recorded August 31, 2007, in Document No. 2007-156969, Multnomah County Deed Records, acquired fee title to a portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner (Lacy & Brooks-Lacy, Trustees), by deed recorded February 7, 2011, in Document No. 2011-017580, Multnomah County Deed Records, acquired fee title to a portion of said remaining property affected by the access changes herein made; and

WHEREAS Owners' interests in Reserved Access Rights are further evidenced by that Grant of Right of Way recorded October 6, 1969, in Book 701, Page 141, Multnomah County Deed Records and by that Road Maintenance Agreement recorded January 4, 1983 in Book 1636, Page 1960.

WHEREAS, Owners have requested that Owners' Reserved Access Rights set out above be terminated, and that access rights be substituted; therefore to and from the Southwesterly side of said highway opposite Engineer's Station 276+87.93, in a width of 47 feet, (New Access Rights); and

WHEREAS, State is agreeable to the granting of Owners' 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 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 Owners and Owners' 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.

Owners represent and warrant that no one, other than Owners, are 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.

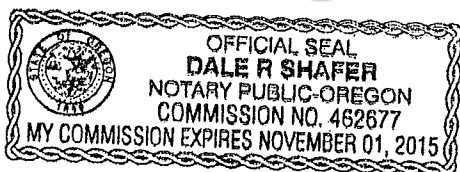
IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By Joseph A. Gray
Rick Crager, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated July 23, 20 12. Personally appeared Joseph A. Gray
Assistant ~~Deelinda G. Jones~~, 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:



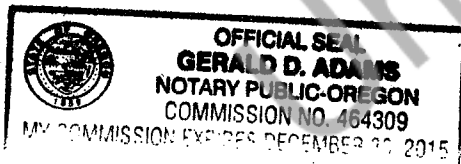
Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2015

Sonja D. Holmes
Sonja D. Holmes

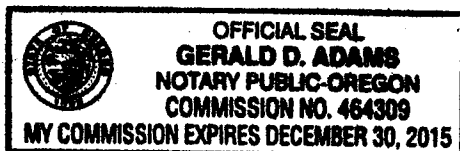
Zane O. Holmes
Zane O. Holmes

STATE OF OREGON, County of Multnomah

Dated April 19, 2012. Personally appeared, and signed before me by the above named Sonja
D. Holmes and Zane O. Holmes, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Gerald D. Adams
Notary Public for Oregon
My Commission expires 12/30/2015



Ellen Jeanne Hutton

Ellen Jeanne Hutton

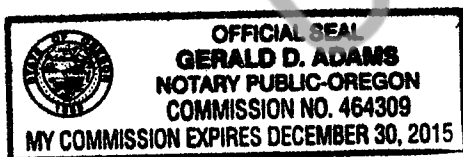
Douglas E Hutton

Douglas Edward Hutton

STATE OF OREGON, County of Multnomah

Dated April 18, 2012. Personally appeared, and signed before me by, the above named Ellen Jeanne Hutton and Douglas Edward Hutton, who acknowledged the foregoing instrument to be their voluntary act.

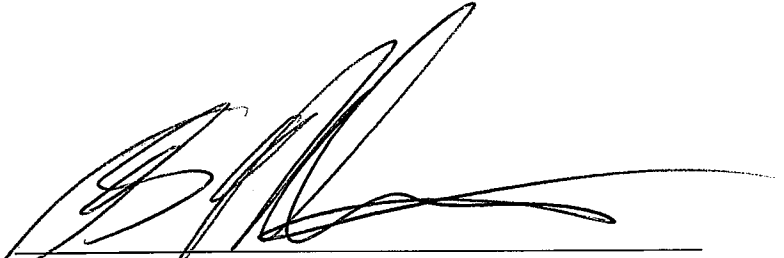
Before me:



Gerald D. Adams

Notary Public for Oregon
My Commission expires

12/30/2015



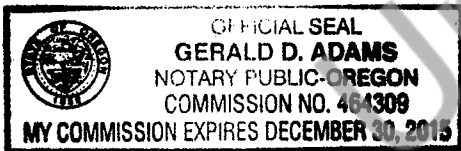
Anthony Nesheim

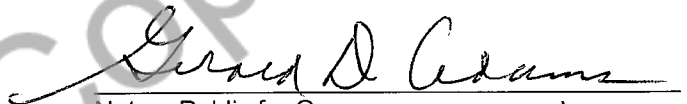


Molly Nesheim

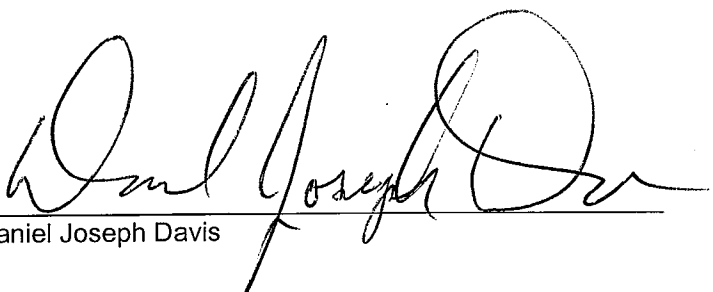
STATE OF OREGON, County of Multnomah

Dated 6/22/, 20 12. Personally appeared, and signed before me by, the above named Anthony
Nesheim and Molly Nesheim, who acknowledged the foregoing instrument to be their voluntary act. Before me:



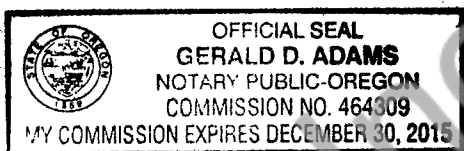


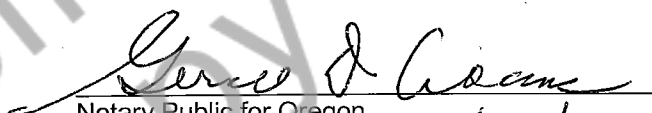
Notary Public for Oregon
My Commission expires 12/30/2015


Daniel Joseph Davis

STATE OF OREGON, County of Multnomah

Dated April 18, 2012. Personally appeared, and signed before me by, the above named Daniel Joseph Davis, who acknowledged the foregoing instrument to be his voluntary act. Before me:



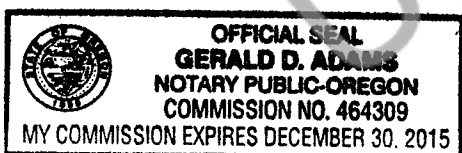

Notary Public for Oregon
My Commission expires 12/30/2015

Edward R. Perkins
Edward R. Perkins

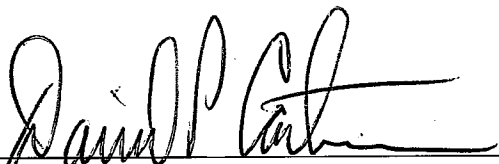
Elaine M. Perkins
Elaine M. Perkins

STATE OF OREGON, County of Multnomah

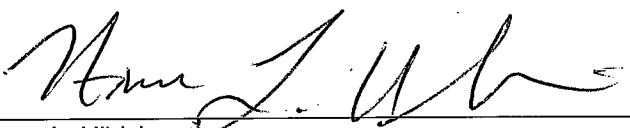
Dated 4/18, 2012. Personally appeared, and signed before me by, the above named Edward R. Perkins and Elaine M. Perkins, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Gerald D. Adams
Notary Public for Oregon
My Commission expires 12/30/15



David P. Carter

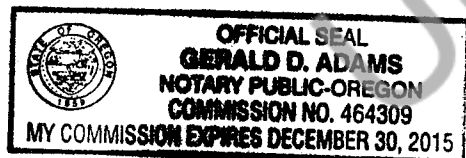


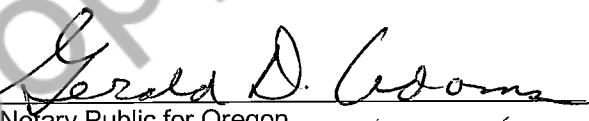
Aimee L. Ullrich

STATE OF OREGON, County of Multnomah

Dated April 19, 20 12. Personally appeared, and signed before me by, the above named David P.

Carter and Aimee L. Ullrich, who acknowledged the foregoing instrument to be their voluntary act. Before me:





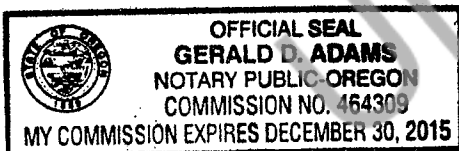
Notary Public for Oregon
My Commission expires 12/15 12/30/2015

William B. Lacy
William B. Lacy, Trustee

Barbara M. Brooks-Lacy
Barbara M. Brooks-Lacy, Trustee

STATE OF OREGON, County of Multnomah

Dated 4/18, 20 12. Personally appeared, and signed before me by, the above named William B. Lacy and Barbara M. Brooks-Lacy, Trustees, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Gerald D. Adams
Notary Public for Oregon
My Commission expires 12/30/2015