

**AN ORDINANCE AUTHORIZING EXECUTION OF AN
INDENTURE OF ACCESS FOR PROPERTY ADJACENT
TO HIGHWAY 197 AND LONE PINE BOULEVARD**

WHEREAS, the State of Oregon, by and through its Department of Transportation by a Quitclaim Deed recorded on October 27, 1976 as Microfilm No. 76-2770, reserved access rights for the service of the grantor's property to and from the Westerly side of The Dalles – California Highway (hereinafter referred to as Highway 197) for a width of 60 feet; and

WHEREAS, the City of The Dalles, by a plat of the Lone Pine Subdivision Planned Unit Development, recorded on March 7, 1994, File Number 94-1219, in the Wasco County Deed Records, and by a Deed of Dedication recorded May 7, 2015, recorded as instrument number 2015-001663, Wasco County Deed Records, acquired a public right-of-way to an area adjacent to Highway 197; and

WHEREAS, the City has requested that its Reserved Access Rights be terminated, and that access rights be substituted, to and from the Westerly side of Highway 197 opposite Engineer's station 173+13, in a width of 70 feet, which rights are hereinafter referred to as New Access Rights; and

WHEREAS, the Oregon Department of Transportation has indicated it is agreeable to granting the City's request for New Access Rights, provided the City execute an Indenture of Access; and

WHEREAS, the City Council has reviewed the proposed Indenture of Access provided by the Oregon Department of Transportation, and has determined that approval and execution of the Indenture of Access is in the best interest and welfare of the citizens of The Dalles; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Indenture of Access Approved. The City Council hereby approves the Indenture of Access for a portion of the area adjacent to Highway 197 and Lone Pine Boulevard, a copy of which is attached hereto as Exhibit "A". The Mayor, City Clerk, and City Attorney are authorized to execute the Indenture of Access.

PASSED AND ADOPTED THIS 26TH DAY OF MARCH, 2018.

Voting Yes, Councilors Miller, Brown, Long-Curtiss, McGlothlin
Voting No, Councilors _____
Absent, Councilors Elliot
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 26TH DAY OF MARCH, 2018.

Stephen E. Lawrence
Stephen E. Lawrence, Mayor

Attest:

Izetta Grossman
Izetta Grossman, City Clerk



File 48938
Drawing 9B-12-22

Wasco County Official Records 2018-001245
DEED-ESMT
Cnt=1 Stn=36 PAULB 04/09/2018 09:29 AM
\$20.00 \$11.00 \$20.00 \$10.00 \$19.00 \$100.00
00087310201800012450040043

I, Lisa Gambes, County Clerk for Wasco County,
Oregon, certify that the instrument identified
herein was recorded in the Clerk records.



INDENTURE OF ACCESS

THIS INDENTURE, for no monetary consideration, dated this 14th day of February, 2018, by and between the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, hereinafter called "State", and **CITY OF THE DALLES**, on behalf of the public, hereinafter called "Owner".

WHEREAS, State by Quitclaim Deed recorded October 27, 1976 as Microfilm No. 76-2770, Records of Wasco County, acquired certain property; which Quitclaim Deed, in part, reserved access rights, for the service of the grantor's remaining property, to and from the Westerly side of The Dalles - California Highway opposite Engineer's Station 176+04, in a width of 60 feet (Reserved Access Rights); and

WHEREAS, Owner, by plat of LONE PINE SUBDIVISION PLANNED UNIT DEVELOPMENT, recorded March 7, 1994, File Number 94-1219, Records of Wasco County and by Deed of Dedication recorded May 7, 2015, Instrument No. 2015-001663, Wasco County Official Records, acquired a public right-of-way to the property affected by the access changes herein made; and

WHEREAS, Owner has requested that his Reserved Access Rights be terminated, and that access rights be substituted; therefore to and from the Westerly side of said highway opposite Engineer's Station 173+13, in a width of 70 feet (New 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

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, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights as set forth above unto Owners and Owner's heirs, successors and assigns.

The other remaining provisions in the above-mentioned Quitclaim 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 Quitclaim 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.

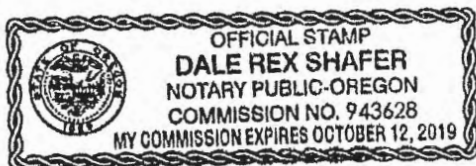
IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By Scott C. Claus
Scott C. Claus, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated April 4, 20 18. Personally appeared Scott C. Claus, 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 10/12/19

SIGNATURE PAGE 4 OF 4 AS ATTACHED TO ABOVE INDENTURE OF ACCESS DATED FEBRUARY 14, 2018

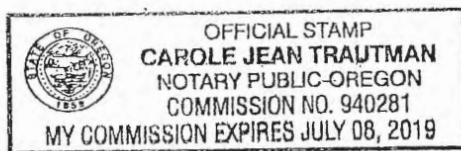
APPROVED AS TO FORM:

By Gene Stuber
City Attorney

CITY OF THE DALLES, a municipal corporation of the State of Oregon

By Stephen E. Lawrence
Mayor
By Izetta Grossman
City ClerkSTATE OF OREGON, County of WascoDated March 27, 2018. Personally appeared Stephen E. Lawrenceand Izetta Grossman, who, being sworn, stated that they are the Mayor and Auditor of the City of

The Dalles, and that this instrument was voluntarily signed on behalf of said municipal corporation by authority of its

Ordinance No. 18-579, passed by the Council of said City on this 26 day of March,2018.Carole Jean Trautman
Notary Public for Oregon
My Commission expires 07/08/2019