



# APPLICATION FOR INDENTURE OF ACCESS

Please read the attached instruction sheet before completing this application.

## Applicant information

NAME OF PROPERTY OWNER	NAME OF OWNER'S COMPANY
PROPERTY OWNER'S MAILING ADDRESS (IF DIFFERENT THAN PROPERTY ADDRESS)	CITY, STATE, ZIP
NAME OF AGENT FOR PROPERTY OWNER (IF APPLICABLE)	NAME OF AGENT'S COMPANY
AGENT'S MAILING ADDRESS (IF APPLICABLE)	CITY, STATE, ZIP

## Property to be served by this indenture of access

STREET ADDRESS OR LOCATION		INTENDED LAND USE
CITY, STATE, ZIP	COUNTY	MAP AND TAX LOT NUMBERS
RESERVATION OF ACCESS TO BE CANCELLED (STATION AND MILE POINT)	LOCATION OF NEW ACCESS (STATION AND MILE POINT)	
The applicant requests to remove a restriction from the reservation of access ..... <input type="checkbox"/> Yes <input type="checkbox"/> No		
IF YES, EXPLAIN		

## Applicant certification

The applicant declares, certifies, and affirms under penalty of applicable state and federal laws that the information provided on this application and attachments is to the best of his or her knowledge true and complete. The applicant agrees to pay the fee described above, and understands that the Oregon Department of Transportation is under no obligation to relinquish access control.

SIGNATURE OF PROPERTY OWNER <b>X</b>	DATE
SIGNATURE OF APPLICANT (IF DIFFERENT THAN OWNER) <b>X</b>	DATE

## Required attachments

- Copy of completed Application for State Highway Approach (ODOT form 734-2680) with tax lot map from the relevant county assessor's office and any other required attachments
- Current preliminary title report (issued within the past six months) and copy of vesting deed
- Deposit (see "Processing fee")

## Processing fee

Cost incurred by the Department will be documented and charged to the applicant.

- Indenture of Access -- \$200.00
- Make check payable to Oregon Department of Transportation

## District office use only

DATE RECEIVED	CHAMPS APPLICATION NO.	HIGHWAY NAME	
R/W MAP	R/W FILE NO.	MILE POINT	APPROACH REQUESTED AT ENGINEER'S STATION
SIDE OF HIGHWAY	WIDTH	Is approach constructed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
The receiving Permit Specialist should determine the completeness of this application. Once deemed complete, the Region Manager or his/her designee shall review and evaluate the application. The Region Manager shall make the final decision on the application for an indenture of access and shall notify the applicant.			

## Approval

DISTRICT MANAGER OR PROJECT MANAGER PRINT NAME	DISTRICT MANAGER OR PROJECT MANAGER SIGNATURE <b>X</b>	DATE
REGION MANAGER PRINT NAME	REGION MANAGER SIGNATURE <b>X</b>	DATE



## APPLICATION FOR INDENTURE OF ACCESS Instructions

Please read these instructions before completing the attached application.

An **Indenture of Access** moves or modifies existing access rights.

Property owners are advised to meet with Oregon Department of Transportation (ODOT) staff when considering an Indenture of Access. ODOT welcomes the opportunity to answer questions about the application process. Authority for the control of access to public highways is established in Oregon Revised Statutes, Chapter 374.

Before a **Permit to Construct an Approach** or a **Permit to Operate, Maintain and Use an Approach** can be issued, the abutting property must have access rights to the public highway.

An application for Indenture of Access must be fully completed and include the required attachments before ODOT can begin processing the request. The application and attachments are submitted to ODOT's appropriate District Office. Indenture of Access may be allowed if the applicant meets all the following criteria:

- The abutting property owner applies for the indenture as set forth in Oregon Administrative Rule (OAR) 734-051-0325, applies for an approach, meets all the requirements for issuing the Construction Permit, and agrees in writing to meet all the conditions, if any, placed on the Permit to Construct an Approach and the Permit to Operate, Maintain and Use an Approach, as set forth in OAR 734-051-0010 through 734-051-0265, including closure of the existing approach, if applicable;
- The Region Manager approves the indenture application; and
- If the indenture application is to increase the width of an existing reservation that is specified in the deed record or to make other changes, the Department as a condition of approval may require combining the property's existing reservations of access.

A request for removal of specified use restrictions imposed on an existing reservation of access may be considered, provided the owner complies with the provisions listed above. Any request to remove farm crossing or farm access restrictions requires a grant of access and must be requested as set forth in OAR 734-051-0295 and 734-051-0305.

### Application procedure for Indenture of Access

- (a) An application for an indenture of access to a state highway shall be made on the standard state form, available at all Department District offices, to the appropriate Region Manager through the appropriate District office.
- (b) The appropriate administrative fee must accompany the application, as set forth in OAR 734-051-0335.
- (c) The Department or the applicant may request a meeting to discuss the application process for an indenture of access and/or any additional information required.
- (d) The Department may refuse to accept an application when necessary information is missing; and
- (e) Since an indenture of access relates to a property right, the Department may refuse to accept an application for an indenture of access from anyone other than the owner(s) of the abutting property or their agent.

An application for an indenture of access may not be accepted unless an application for an approach and all required documentation has been submitted to the Region Manager.

### Required documentation:

Applicants for an indenture of access must submit all the materials described in OAR 734-051-0070, and a current preliminary title report or a chain of title from when the state acquired the access rights from the current owner, including

copies of the vesting deeds. The Region Manager shall make the final decision on an application for an indenture of access and shall notify the applicant.

### **Legislative background of access control**

In 1949, legislation was passed to enable ODOT to modify rights of access. Oregon Revised Statutes specify among other property rights, the right of access can be purchased or condemned as deemed necessary for the safety of the traveling public. Since the passage of this legislation, access rights have been commonly purchased from abutting properties when acquiring right of way for road improvement projects. This acquisition of access rights can usually be found in the property's chain of title.

Historically, owners of property abutting public roadways have enjoyed a common law abutter's right of access to the roadway.

Legislation passed in 1951 restricts the common law abutter's right of access by providing that no rights of access accrue to real property abutting completely new highway alignments constructed since May, 1951 (ORS 374.405).

### **The benefit of controlling access**

ODOT has acquired the right of access to maintain or improve the safety and operation of state highways. The Oregon Highway Plan (OHP) states that the implementation of access management strategies, which may include access control along some highways, is essential to protect the safety, efficiency, and investment of the existing and planned state highways. The plan recognizes that access management can bring about "a more steady traffic flow, which helps to reduce congestion, fuel consumption, and air pollution". The OHP and OAR Chapter 734 Division 51 indicate where access control may be an appropriate strategy to maintain the function of the highway.