

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KLAMATH FALLS, OREGON, AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTE AN ENCROACHMENT PERMIT FOR WESTON L. HERBERT, OWNER OF KLAMATH KLEAN-A-KAR, 3132 SHASTA WAY IN THE CITY OF KLAMATH FALLS, OREGON, PERMITTING ENCROACHMENT UPON A PORTION OF SHASTA WAY RIGHT-OF-WAY.

WHEREAS, Shasta Way right-of-way is adjacent to the north property line of that portion of land as depicted on Exhibit A (attached); and,

WHEREAS, Mr. Weston L. Herbert, owner of Klamath Klean-A-Kar of 3132 Shasta Way has petitioned the Common Council of the City of Klamath Falls, Oregon, to grant an encroachment permit; and,

WHEREAS, a portion of the existing car wash building does encroach two and one-half (2 1/2) feet on the south right-of-way; and,

WHEREAS, the Common Council of the City of Klamath Falls, Oregon, through its own investigation has determined that an encroachment permit may be granted to Mr. Weston L. Herbert for use of said portion of Shasta Way right-of-way without unduly or significantly affecting the City's best interest; now, therefore,

THE CITY OF KLAMATH FALLS, OREGON RESOLVES AS FOLLOWS:

That the Mayor and City Recorder be and are hereby authorized to execute an encroachment permit in favor of Mr. Weston L. Herbert which will allow Mr. Herbert to encroach upon a portion of the Shasta Way right-of-way as described below and shown on the attached drawing marked Exhibit "A".

Beginning at a point on the south right-of-way line of Shasta Way, said point being N 89° 50' 30" E, a distance of 64.50 feet from the railroad spike marking the southeast corner of the intersection of Shasta Way and Austin Street, as shown upon recorded Survey #2067 on file in the office of the Klamath County Surveyor; Thence N 89° 50' 30" E, a distance 10.20 feet; Thence N 00° 09' 30" W, a distance of 2.50 feet; Thence S 89° 50' 30" W, a distance of 10.20 feet; Thence S 00° 09' 30" E, a distance of 2.50 feet to the point of beginning.

Said encroachment permit shall be granted under the following provisions:

1. Said permit shall carry a non-refundable fee of twenty-five dollars (\$25.00).
2. Said permit shall be revocable and non-exclusive.
3. Weston L. Herbert, or future owners of Klamath Klean-A-Kar, 3132 Shasta Way, shall hold the City of Klamath Falls and its authorized representatives harmless from claims for damage to personal property placed within the encroachment area which occurs as a result of the City's subsequent use at said encroachment area.
4. Weston L. Herbert, or future owners of Klamath Klean-A-Kar, 3132 Shasta Way, shall be responsible in damages to any person injured whose injury is caused by said encroachment. The owner, or future owners, shall take all reasonable precautions to insure the safety of the public upon the affected portion of the Shasta Way right-of-way.
5. The City shall file the encroachment permit with the County Clerk.

19216

Passed by the Common Council of the City of Klamath Falls, Oregon, this 18th day of October, 1976.

Presented to the Mayor and by him approved and signed this 18th day of October, 1976.

George C. Whitcraft
Mayor

Harold J. Derrah
Recorder

ATTEST:

STATE OF OREGON,)
COUNTY OF KLAMATH,) ss.
CITY OF KLAMATH FALLS.)

I, Harold J. Derrah, Recorder for the City of Klamath Falls, Oregon, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Klamath Falls, Oregon, at a regular meeting held on the 18th day of October, 1976, and thereafter approved by the Mayor and attested by the City Recorder.

Harold J. Derrah
Recorder

ACCEPTANCE

The undersigned does hereby accept the terms and conditions of this resolution.

Dated the 26 day of OCTOBER, 1976.

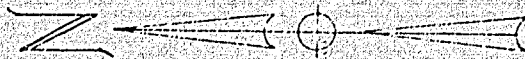
Weston L. Herbert
Weston L. Herbert

Rel. City of Klamath Falls
226 So 5th
City

Exhibit "A"

WAY

SHASTA



AREA OF ENCROACHMENT

CAR VACUUM

S 89° 50' 30" W ~ 1202

64.5

SET RAILROAD SPIKES
IN PAVEMENT
(ORIGINAL PIN
NOT FOUND)

CAR VACUUM

CAR WASH BLDG.

335

600

ST.

AUSTIN

N 0° 21' 15" E ~ 1009

SET 5" IRON PIN
(ORIGINAL PIN
NOT FOUND)

N 0° 21' 15" E ~ 889

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 30th day of
NOVEMBER A.D., 19 76 at 3:40 o'clock P. M., and duly recorded in Vol. H 76
 of DSBDS on Page 19215.

FEE \$ 9.00

WM. D. MILNE, County Clerk.

By Hazel Draz Deputy