

28395

RESOLUTION NO. 2490

Vol. 77 Page 6743

A RESOLUTION AUTHORIZING MR. RAY BISSELL OF 1005 NEWCASTLE AVENUE AND MR. ROBERT H. SMITH III OF 935 NEWCASTLE AVENUE, KLAMATH FALLS, OREGON, TO ENCROACH UPON THE MANZANITA STREET RIGHT-OF-WAY.

WHEREAS, Mr. Ray Bissell of 1005 Newcastle Avenue and Mr. Robert H. Smith III of 935 Newcastle Avenue, Klamath Falls, Oregon, have petitioned the City Council of the City of Klamath Falls, Oregon, to grant an encroachment permit, and

WHEREAS, the Manzanita Street right-of-way is adjacent to and between the property lines of Lot 6, Block 40 and Lot 1, Block 41, Hillside Addition to the City of Klamath Falls, Oregon, and

WHEREAS, Mr. Ray Bissell and Mr. Robert H. Smith III propose to landscape the entire Manzanita Street right-of-way from Newcastle Avenue to Hillside Street, and

WHEREAS, the City Council of the City of Klamath Falls, Oregon, through its own investigation has determined that an encroachment permit may be granted to Mr. Ray Bissell and Mr. Robert H. Smith III to landscape the right-of-way of Manzanita Street without unduly or significantly affecting the City's best interests.

NOW, THEREFORE, THE CITY OF KLAMATH FALLS, OREGON, RESOLVES AS FOLLOWS:

Mr. Ray Bissell of 1005 Newcastle and Mr. Robert H. Smith III of 935 Newcastle, Klamath Falls, Oregon, are hereby authorized to encroach upon the Manzanita Street right-of-way as described below:

That portion of Manzanita Street right-of-way adjacent to and bound by Lot 6, Block 40 and Lot 1, Block 41, Hillside Addition to the City of Klamath Falls, Oregon, as shown on the attached map, marked Exhibit "A".

Said encroachment shall be granted under the following provisions:

1. Said permission shall carry a non-refundable fee of twenty-five dollars (\$25.00).
2. Said permission shall be revocable upon written notice by the City of Klamath Falls within a reasonable time limit and it shall be non-exclusive.
3. Mr. Ray Bissell and Mr. Robert H. Smith III or future owners of property at 1005 Newcastle Avenue and 935 Newcastle Avenue 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. Mr. Ray Bissell and Mr. Robert H. Smith III or future owners of property at 1005 Newcastle Avenue and 935 Newcastle Avenue shall be responsible for damages to any person injured who injury is caused by said encroachment. The owner(s), or future owner(s), shall take all reasonable precautions to insure the safety of the public upon the affected portion of the Manzanita Street right-of-way.
5. The City shall file the encroachment permit with the County Clerk.

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Passed by the Common Council of the City of Klamath Falls, Oregon, this 4th day  
of April, 1977.

Presented to the Mayor and by him approved and signed this 5th day of  
April, 1977.

Mayor C. H. H. H.  
Mayor

ATTEST:

Harold J. Derrah  
Recorder

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 4th day of April, 1977, 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 this 17th day of April, 1977.

Ref:  
City of K. Falls  
226 805th  
183

Ray Bissell  
Ray Bissell

Robert H. Smith III  
Robert H. Smith III

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record April 20th day of April A. D. 1977 at 2:55 P. M. and  
duly recorded in Vol. M 77, of Deeds on Page 6743-  
Wm D. MILNE, County Clerk

Fee \$ 6.00

By Harold J. Derrah

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