

RESOLUTION NO. 2517

A RESOLUTION AUTHORIZING MR. H. F. SMITH OF 1636 WORDEN AVE., KLAMATH FALLS, OREGON, TO ENCROACH UPON A PORTION OF THE ALLEY RIGHT-OF-WAY IN BLOCK 37, SECOND ADDITION TO THE CITY OF KLAMATH FALLS, OREGON.

WHEREAS, Mr. H. F. Smith of 1636 Worden Ave., Klamath Falls, Oregon, has petitioned the City Council of the City of Klamath Falls, Oregon, to grant an encroachment permit, and

WHEREAS, the alley right-of-way is adjacent to the property lines of Lots 1, 2, 7, and 8, Block 37, Second Addition to the City of Klamath Falls, Oregon, and

WHEREAS, Mr. H. F. Smith proposes to construct a paved parking area across the northerly 30 feet on the aforesaid property, and will encroach across the alley right-of-way, 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. H. F. Smith to construct the paved parking area within the right-of-way of the alley without unduly or significantly affecting the City's best interests.

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

Mr. H. F. Smith of 1636 Worden Ave., Klamath Falls, Oregon is hereby authorized to encroach upon the alley right-of-way as described below:

That portion of the alley right-of-way adjacent to and bound by Lots 1, 2, 7 and 8, Block 37, Second 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. H. F. Smith or future owners of property at 1636 Worden Ave. 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. H. F. Smith or future owners of property at 1636 Worden Ave. shall be responsible for 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 alley 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 5th day
of July, 1977.

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

Harold L. Vignone
Mayor Pro Tem

ATTEST:

Harold Berrah
Recorder

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

I, Harold Berrah, 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 5th day of July, 1977, and
thereafter approved by the Mayor and attested by the City Recorder.

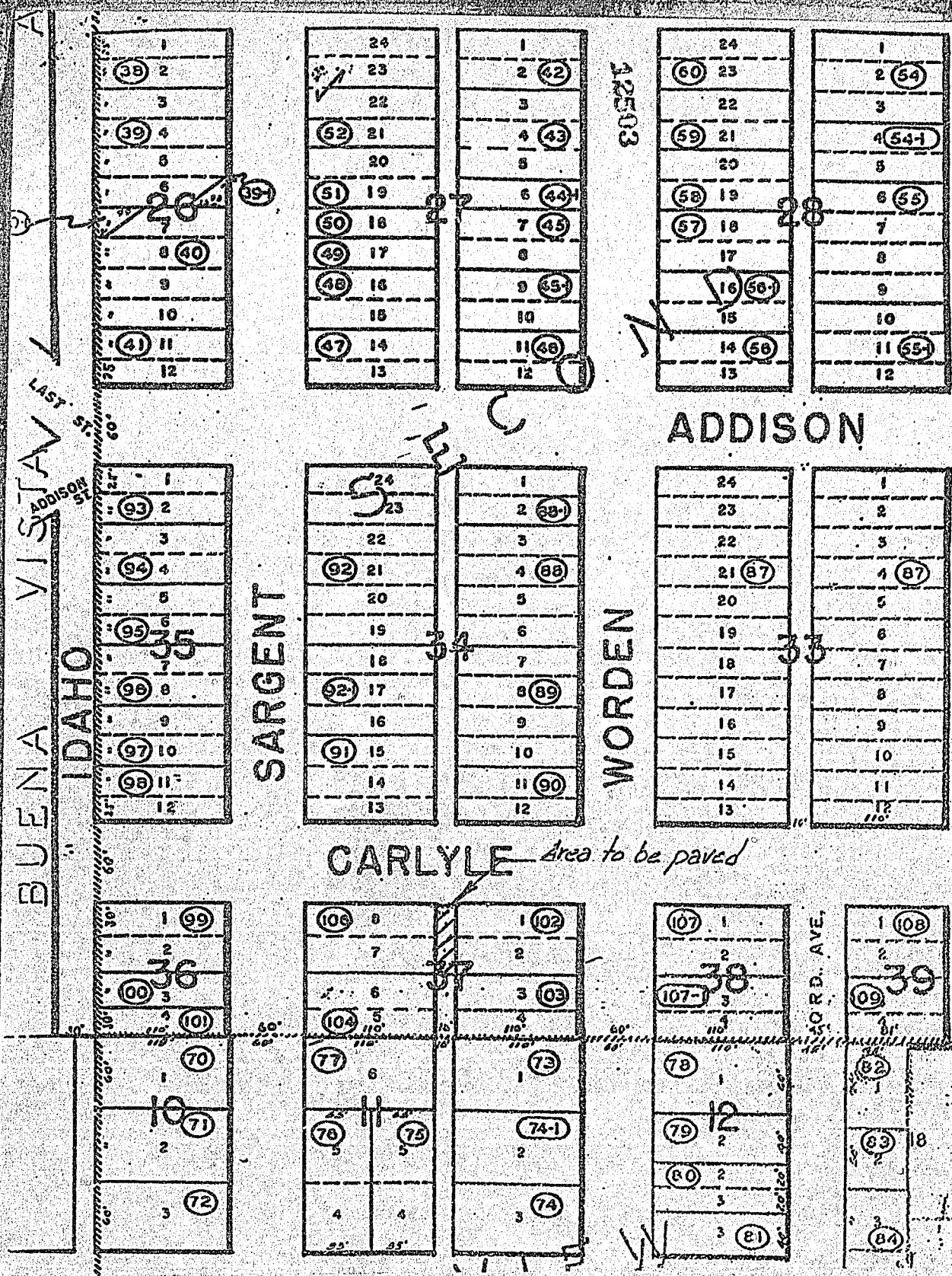
Harold Berrah
Recorder

ACCEPTANCE

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

Dated this 8 day of July, 1977.

H. F. Smith
Mr. H. F. Smith



STATE OF OREGON; COUNTY OF KLAMATH; ss.
 filed for record ~~EX-1000~~
 this 11th day of July A. D. 1977 at 4:19 o'clock P M., and
 duly recorded in Vol. M 77, of Deeds on Page 12501
 Fee \$9.00
 Wm. D. MILNE, County Clerk
 By Pat McCullough