

A RESOLUTION AUTHORIZING JELD-WEN, INC., KLAMATH FALLS, OREGON TO ENCROACH UPON THE FREDERICK STREET RIGHT-OF-WAY ADJACENT TO LOTS 1 THROUGH 5, BLOCK 4, SHIPPINGTON ADDITION.

WHEREAS, Jeld-Wen, Inc. of Klamath Falls, Oregon has petitioned the City Council of the City of Klamath Falls, Oregon, to grant an encroachment permit, and

WHEREAS, Jeld-Wen, Inc. proposed to use the Frederick Street right-of-way for construction of tennis courts adjacent to said Lots 1 through 5, 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 Jeld-Wen, Inc. to allow construction within the Frederick Street right-of-way without unduly or significantly affecting the City's best interests.

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

Section 1.

Jeld-Wen, Inc. of Klamath Falls, Oregon is hereby authorized to encroach upon the Frederick Street right-of-way adjacent to said Lots 1 through 5, Block 4, Shippington Addition.

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. Jeld-Wen, Inc. or future owners of said Lots 1 through 5 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. Jeld-Wen, Inc. or future owners of said Lots 1 through 5 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 Frederick Street right-of-way.
5. The City shall file an encroachment permit with the County Clerk.
6. Jeld-Wen, Inc. shall take action, within thirty days (30) from the date of this resolution, for vacation of Frederick Street adjacent to said Lots 1 through 5.

97 SEP 29 PM 2 59



Passed by the Common Council of the City of Klamath Falls, Oregon, this  
19th day of September, 1977.

Presented to the Mayor and by him approved and signed this 19th day of  
September, 1977.

George C. Elfrink  
 Mayor

ATTEST:

Arnold Derrah  
 Recorder

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

I, Harold 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 19th day of September, 1977, and  
 thereafter approved by the Mayor and attested by the City Recorder.

Arnold Derrah  
 Recorder

ACCEPTANCE

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

Dated this 22nd day of September, 1977.

Robert A. Kent  
 Mr. Bob Kent,  
 representative for Jeld-Wen, Inc.

Rt. City of K. 7.

STATE OF OREGON; COUNTY OF KLAMATH; ss.  
 filed for record at request of CITY OF KLAMATH FALLS  
 this 29th day of SEPTEMBER A. D. 1977 at 2:59 o'clock P.M., and  
 duly recorded in Vol. M77, of DEEDS on Page 18370  
 FEE \$ 6.00  
 Wm D. MILNE, County Clerk  
 By Bernard J. Letch