

A RESOLUTION AUTHORIZING RANDY C. NELSON OF 1903 ELDORADO AVENUE, KLAMATH FALLS, OREGON, TO ENCROACH UPON A PORTION OF THE ELDORADO AVENUE RIGHT-OF-WAY.

WHEREAS, Randy C. Nelson of 1903 Eldorado Avenue, Klamath Falls, Oregon has petitioned the City Council of the City of Klamath Falls, Oregon, to grant an encroachment permit, and

WHEREAS, the Eldorado Street right-of-way is adjacent to the property line of Lot 28, Block 17, Eldorado Heights Addition, City of Klamath Falls, Oregon, and

WHEREAS, Randy C. Nelson proposes to construct a retaining wall in front of a building located on the aforesaid property and will encroach 8 feet upon the Eldorado Avenue 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 Randy C. Nelson to construct the retaining wall within the right-of-way of Eldorado Avenue without unduly or significantly affecting the City's best interests.

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

Randy C. Nelson of 1903 Eldorado Avenue, Klamath Falls, Oregon is hereby authorized to encroach upon the Eldorado Avenue right-of-way as described below:

That portion of Eldorado Avenue right-of-way adjacent to Lot 28, Block 17, Eldorado Heights Addition, 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. Randy C. Nelson or future owners of property at 1903 Eldorado 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. Randy C. Nelson or future owners of the affected property 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 Eldorado Street right-of-way.
5. The City shall file the encroachment permit with the County Clerk.

STATE OF OREGON; COUNTY OF KLAMATH, ss.

Filed for record at request of _____

this _____ day of _____ A. D. 19____ at _____ o'clock M., and

fully recorded in Vol. _____, of _____ on Page _____

Wm D. MILNE, County Clerk

By _____

JUL 19 1978

Passed by the Common Council of the City of Klamath Falls, Oregon, this 19th day of June, 1978.

Presented to the Mayor and by him approved and signed this 19th day of June, 1978.

George C. Derrah
Mayor

ATTEST:

Harold 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 June, 1978, and thereafter approved by the Mayor and attested by the City Recorder.

Harold Derrah
Recorder

ACCEPTANCE

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

Dated this 5 day of July, 1978.

Randy C. Nelson
Randy C. Nelson

