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A RESOLUTION AUTHORIZING ORE-CAL GENERAL WHOLESALE, INC. AND MATTESON ASSOCIATES ARCHITECTS OF 724 MAIN STREET, KLAMATH FALLS, OREGON, TO ENCROACH UPON A PORTION OF THE ALLEY RIGHT-OF-WAY IN BLOCK 39, LINKVILLE ADDITION TO THE CITY OF KLAMATH FALLS, OREGON.

WHEREAS, Ore-Cal General Wholesale, Inc. and Matteson Associates Architects of 724 Main Street, Klamath Falls, Oregon, have 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 Lot 7, Block 39, Linkville Addition to the City of Klamath Falls, Oregon, and

WHEREAS, Ore-Cal General Wholesale, Inc. and Matteson Associates Architects propose to construct a covered entry-way and will encroach into 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 Ore-Cal General Wholesale and Matteson Associates Architects to construct the covered entry-way 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:

Ore-Cal General Wholesale, Inc. and Matteson Associates Architects of 724 Main Street, Klamath Falls, Oregon is hereby authorized to encroach upon the alley right-of-way as described below:

A strip of land 9.00 feet wide immediately adjacent to the south-westerly 22.00 feet of Lot 7, Block 39, Linkville Addition to the City of Klamath Falls, Oregon.

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. Ore-Cal General Wholesale, Inc. and Matteson Associates Architects or the future owners of property at 724 Main Street 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. Ore-Cal General Wholesale, Inc. and Matteson Associates Architects or future owners of property at 724 Main Street 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.

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5. The City shall file the encroachment permit with the County Clerk.

Passed by the Common Council of the City of Klamath Falls, Oregon, this **28460**  
19th day of November, 1979.

Presented to the Mayor and by him approved and signed this 19th day  
of November, 1979.

George L. Filtruff  
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 Resol-  
ution duly adopted by the City Council of the City of Klamath Falls, Oregon,  
at a regular meeting held on the 19th day of November, 1979, 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 26 day of Nov., 1979.

J. L. White  
Ore-Cal General Wholesale, Inc. and  
Matteson Associates Architects

After recording, return to City of Klamath Falls, 226 So. 5th Street, Klamath  
Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 11th day of  
December A.D., 1979 at 10:06 o'clock A.M., and duly recorded in Vol. M79  
of Deeds on Page 28459.

FEE \$7.00

WM. D. MILNE, County Clerk  
By Bernetha Deloch Deputy