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AGREEMENT

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THIS AGREEMENT is entered into by and between the City of Klamath Falls, Oregon, a municipal corporation (herein referred to as "City") and Robert Garrett, 529 Mt. Whitney, Klamath Falls (herein referred to as "Developer") and B. J. Matzen of Klamath Falls (herein referred to as "Trustee").

W I T N E S S E T H:

WHEREAS, by Bargain and Sale Deed dated May 27, 1977 and recorded in Vol. M77 at 9642 of the official Deed records of the Klamath County Clerk's office, City did sell to Developer property situated in the City of Klamath Falls, County of Klamath, State of Oregon, more particularly described as follows:

Lots 1, 2, 3, 4, 5, & 6, Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12, Block 7; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12, Block 12; Lots 5, 6, 7, & 8, Block 19; Lots 1, 2, 3, & 4, Block 20; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10, Block 21; all in the Irvington Heights Addition to the City of Klamath Falls.
(hereinafter referred to as "the property"); and

WHEREAS, such sale was secured by a Trust Deed naming Trustee as trustee; and

WHEREAS, by Resolution No. 2474 the City did impose certain stipulations upon such sale; NOW, THEREFORE

THE PARTIES HERETO AGREE AS FOLLOWS:

- 1) Development of the property shall be in compliance with the Zoning and Land Development Ordinances of the City of Klamath Falls as presently constituted or amended in the future.
- 2) No street grades in the property shall exceed 12%.
- 3) Storm drainage plans for the property shall be subject to the approval of the City of Klamath Falls Public Works Department.
- 4) The terms of this agreement run with the property and shall inure to the benefit of and be binding upon the survivors, heirs, personal representatives, successors and assigns of the respective parties hereto.

Return

City of K. Falls
226 S. 5th
K. Falls, Or.

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IN WITNESS WHEREOF, City has caused this instrument to be executed by its duly authorized officers and Developer and Trustee have set their hands and seals as of the day and year below written.

3927

CITY OF KLAMATH FALLS

DEVELOPER

By George C. Flitcraft 2/20/80
Mayor Date

Robert Garrett
Robert Garrett

Attest: Harold Derrah 2/20/80
City Recorder Date

Feb 19 1980
Date

TRUSTEE

B. J. Matzen
B. J. Matzen
Feb. 20, 1980
Date

STATE OF OREGON)
County of Klamath) SS.

Personally appeared the above named ROBERT GARRETT and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Marjorie S. Comer
Notary Public for Oregon
My commission expires: 11/20/82

STATE OF OREGON)
County of Klamath) SS.

Personally appeared the above named B. J. MATZEN and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Marjorie S. Comer
Notary Public for Oregon
My commission expires: 11/20/82

STATE OF OREGON)
County of Klamath) SS.

Personally appeared the above named George C. Flitcraft, Mayor, and Harold Derrah, Recorder, both officers of the City of Klamath Falls, Oregon, a municipal corporation, who severally acknowledged that as such Mayor and Recorder and for and on behalf of the City of Klamath Falls, Oregon, they each signed and delivered the foregoing Agreement on the day and year therein written.

Before me:

Marjorie S. Comer
Notary Public for Oregon
My commission expires: 11/20/82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 29th day of February A.D., 19 80 at 2:04 o'clock P M., and duly recorded in Vol. MS0 of Deeds on Page 3926.

FEE \$7.00

WM. D. MILNE, County Clerk
By Bernetha H. Hetch Deputy