

ENCROACHMENT PERMIT AGREEMENT

The City of Klamath Falls, Oregon, a municipal corporation (hereinafter referred to as "City") and Earl T. Huberd and Gracia Huberd, husband and wife, of Klamath Falls, Oregon (hereinafter referred to as "Grantees") for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantees, their successor and assigns, upon the terms and subject to the conditions hereinafter set forth in this agreement, permission to encroach upon a portion of the alley right-of-way adjacent to Lots 9 & 10, Block 44, First Addition to the City of Klamath Falls for the purpose of maintaining the existing structure on said lots. Said encroachment area is more particularly described on the attached Exhibit A incorporated herein by this reference.

City expressly reserves the right to enter the right-of-way area for the purpose of installing, maintaining, repairing and replacing utility lines and other public improvements without any liability to Grantees for damage or destruction of Grantees' property within the encroachment area.

Grantees agree to pay to City as compensation for the privileges herein granted, the sum of \$25.00, receipt of which is hereby acknowledged by City.

Grantees shall save and hold harmless the City from and indemnify the City against any and all liability for or on account of death or injury to persons, or damage to property incurred in any manner whatsoever growing out of Grantees' use of the privileges herein granted.

This agreement may be terminated upon one hundred eighty (180) days written notice by either party.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 24th day of December, 19 84.

CITY OF KLAMATH FALLS

By Henry C. Stettin
Mayor

Attest: Barren Fowler
Recorder

GRANTEES

Earl T. Huberd
Earl T. Huberd

Gracia Huberd
Gracia Huberd

21763

EXHIBIT "A"

A strip of land 2 feet wide, lying in an alley in Block 44 on the map of First Addition to Klamath Falls, Oregon; said strip beginning at the north corner of Lot 10 of said Block 44, the northwesterly line of which is coincident with the southeasterly line of the 2 foot strip; thence southwesterly, 53.0 feet.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record . . . City of Klamath Falls

On 31 day of Dec A.D. 1984 at 2:31 o'clock PM

duly recorded in Vol. 1164 of Deeds on Page 21762

9.00

By EVELYN BIEHN, County Clerk
[Signature]

*Ret City of Klamath Falls
City Hall
P.O. Box 237
attn Town & City*