

53771

ENCROACHMENT PERMIT AGREEMENT

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15649

The City of Klamath Falls, Oregon, a municipal corporation (hereinafter referred to as "City") and William P. Brandsness of Klamath Falls (hereinafter referred to as "Grantee") for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee, his heirs, successors and assigns, upon the terms and subject to the conditions hereinafter set forth in this agreement, permission to encroach upon a portion of the Market/Spring Street public right-of-way adjacent to Lot 1, Block 9, Railroad Addition to the City of Klamath Falls (said encroachment area is more particularly shown in Exhibit A, attached hereto and incorporated herein by this reference) for the purposes of landscaping, providing access and parking space, placing at Grantee's option and in accordance with the City's zoning ordinance, a sign advertising Grantee's use of the said Lot 1, Block 9, and of maintaining said uses, no part of which shall be extended into public right-of-way beyond the encroachment area. This permit is issued subject to the following conditions:

- 1) Grantee shall maintain the parking and landscaping within the encroachment area;
- 2) Grantee shall restrict parking in the encroachment area so as to keep all parked vehicles at least six (6) feet from the curb line; and
- 3) City expressly reserves the right to enter the encroachment area for purposes of maintaining street lights, traffic signals, and utility lines.

Grantee agrees to pay to City as compensation for the privileges herein granted, the sum of \$25, receipt of which is hereby acknowledged by City.

Grantee 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 Grantee's use of the privileges herein granted.

This agreement may be terminated upon thirty (30) days written notice by either party. Upon termination, Grantee shall remove its sign from the encroachment area within thirty (30) days.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 12 day of SEPTEMBER, 1985.

CITY OF KLAMATH FALLS

By: Norm C. Filtrall
MayorAttest: Dorinda Nohlsch
RecorderWilliam P. Brandsness
William P. Brandsness

Attest: _____

R.J. MTC

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85 SEP 26 PM 2 22

EXISTING CURB ↓

40' R

Lot 1, Block 9
Railroad Add.

TRAFFIC SIG

RIGHT

HULZE TIRES

CURB

EXISTING CURB

NEW CURB CUT

30' R

KLAMATH AVE.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 26th day
of _____ September A.D., 19 85 at 2:22 o'clock P M., and duly recorded in Vol. M85
of _____ Deeds on Page 15649.

FEE

\$9.00

Evelyn Biehn County Clerk
By _____