

The City of Klamath Falls, Oregon, a Municipal Corporation, (hereinafter referred to as "City") and DAVID M. LATOURETTE AND OWEN & SARA DUVAL, all of Klamath Falls, Oregon (hereinafter referred to as "Grantee(s)") for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee(s), their successors and assigns, upon the terms and subject to the conditions hereinafter set forth in this agreement, non-exclusive permission to encroach upon a portion of Auburn Street right-of-way for the purpose of installing a geothermal water line pipe to serve Lots 5 & 6, Block 16, The Terraces Addition to the City of Klamath Falls, Klamath County, Oregon, according to the following conditions:

- 1) The Grantee(s) shall strictly conform to applicable regulations set out in City Ordinances and Resolutions dealing with geothermal waters in the City of Klamath Falls.
- 2) The Grantee(s) shall obtain the approval by the City's Department of Public Works of the construction plans within the Auburn Street right-of-way.
- 3) Grantees shall file completed as-built drawings of the geothermal water line pipe installation with said Department of Public Works.
- 4) The above mentioned pipes shall be limited to serving the above described lots.

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

Grantee(s) shall save and hold harmless the City from and indemnify the City against any and all liability for or on account of any death or injury to persons, or damage to property incurred in any manner whatsoever growing out of Grantee's use or loss of the privileges herein granted. Grantee(s) further agree to reimburse the City for any damage to Auburn Street or other property of City that may be caused directly or indirectly as a result of Grantee's use of this permit.

This agreement may be terminated upon thirty (30) days written notice by either party. Upon termination, Grantee(s) shall remove the entire water line structure herein authorized and restore the public right-of-way in accordance with the directions of the City's Director of Public Works within thirty (30) days.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 2nd day of December, 19 85.

CITY OF KLAMATH FALLS

GRANTEE(S)

By Debra Huttman

Mayor - Pro Tem

David M. Latourette
David M. Latourette

Attest: Donna D. Hohlman

City Recorder

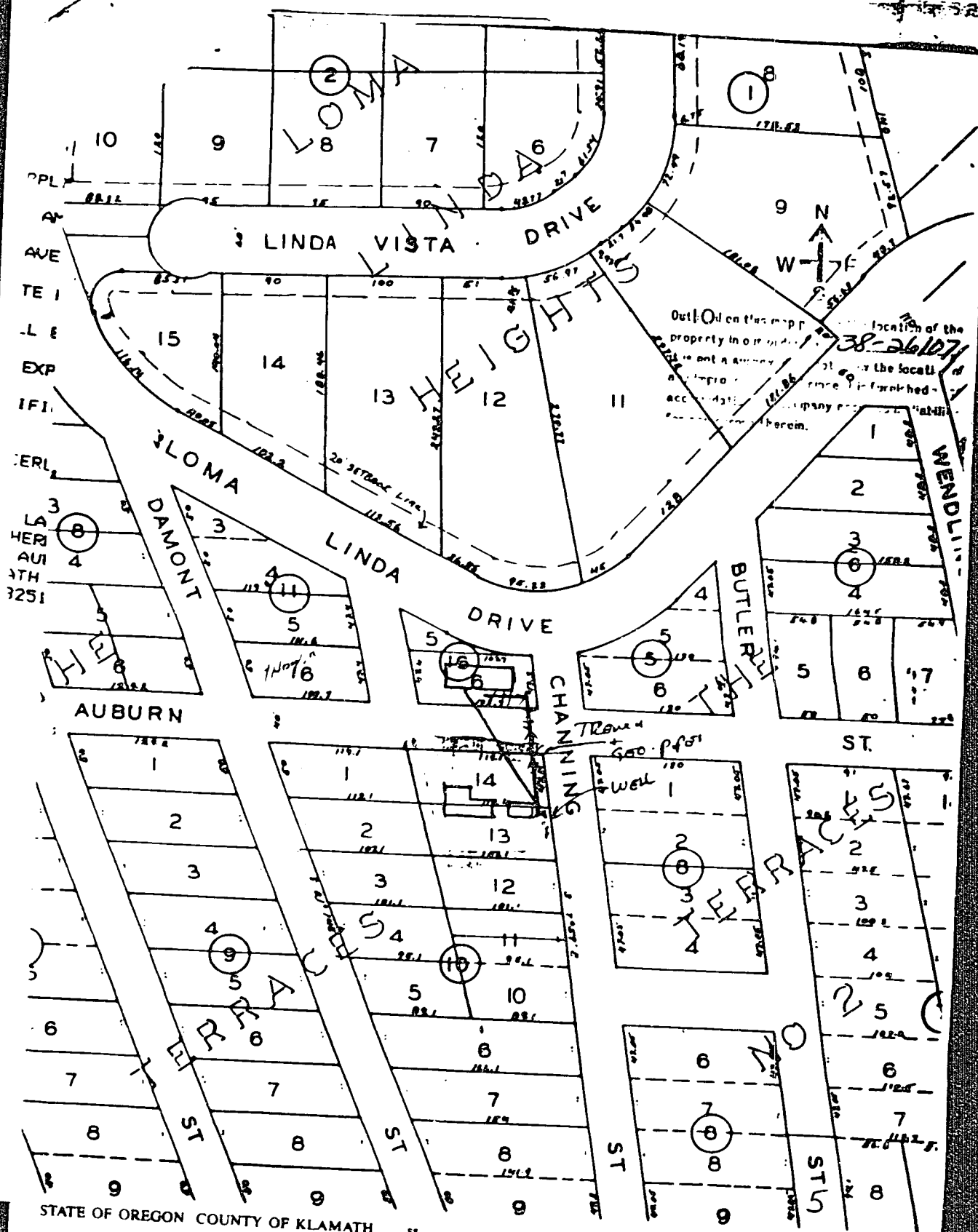
Owen & Duval
Owen Duval

Sara Duval
Sara Duval

After recording, return to:
City Recorder
P. O. Box 237, Klamath Falls,
OR 97601

'86 JAN 13 PM 3 51

9.00



STATE OF OREGON COUNTY OF KLAMATH

Filed for record at request of _____
 of _____ January _____ A.D. 19 86 at 3:51 o'clock P. M. and duly recorded in Vol. _____ day
 of _____ Deeds on Page 760
 Evelyn Biehn, County Clerk
 By _____

FEE

\$0.70