

ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and O.C. Webb-Bowen, Inc. (Grantee) for and in consideration of the covenants and conditions hereinafter set forth, agree as follows:

City hereby gives and grants to Grantee, its successors and assigns, upon the terms and subject to the conditions hereinafter set forth, non-exclusive permission to encroach upon a portion of the alleyway between South Sixth Street and Radcliff Avenue in Block 208 of Mills 2nd Addition to the City of Klamath Falls for the purpose of placement of a 4" PVC storm drainage line five (5) feet into the alleyway from Lots 19 and 11 of Block 208 to the City's catch basin located in South Sixth Street at its intersection with East Main (as shown on the attached map as Exhibit "A") according to the following conditions:

- 1) Grantee shall comply with all relevant local, state and federal regulations pertaining to Grantee's use of the area, including but not limited to, City Planning and building regulations; and
- 2) Grantee shall submit the as built construction plans to the City's Public Works Department and shall conform to any modifications or restrictions imposed by the Department.

Grantee agrees 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 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.

This agreement shall run from year to year unless terminated. It may be terminated upon sixty (60) days written notice by either party. Upon termination, Grantee shall remove all structures herein authorized and restore the public right-of-way in accordance with the directions of the City's Director of Public Works within sixty (60) days.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 15th day of May, 1989.

CITY OF KLAMATH FALLS

O.C. WEBB-BOWEN, INC.

By: George C. Elstrom

Mayor

By: O.C. Webb-Bowen

President

Attest: Elisa D. Fritz

City Recorder

By: David R. Webb-Bowen

Secretary

'89 MAY 31 AM 11 21

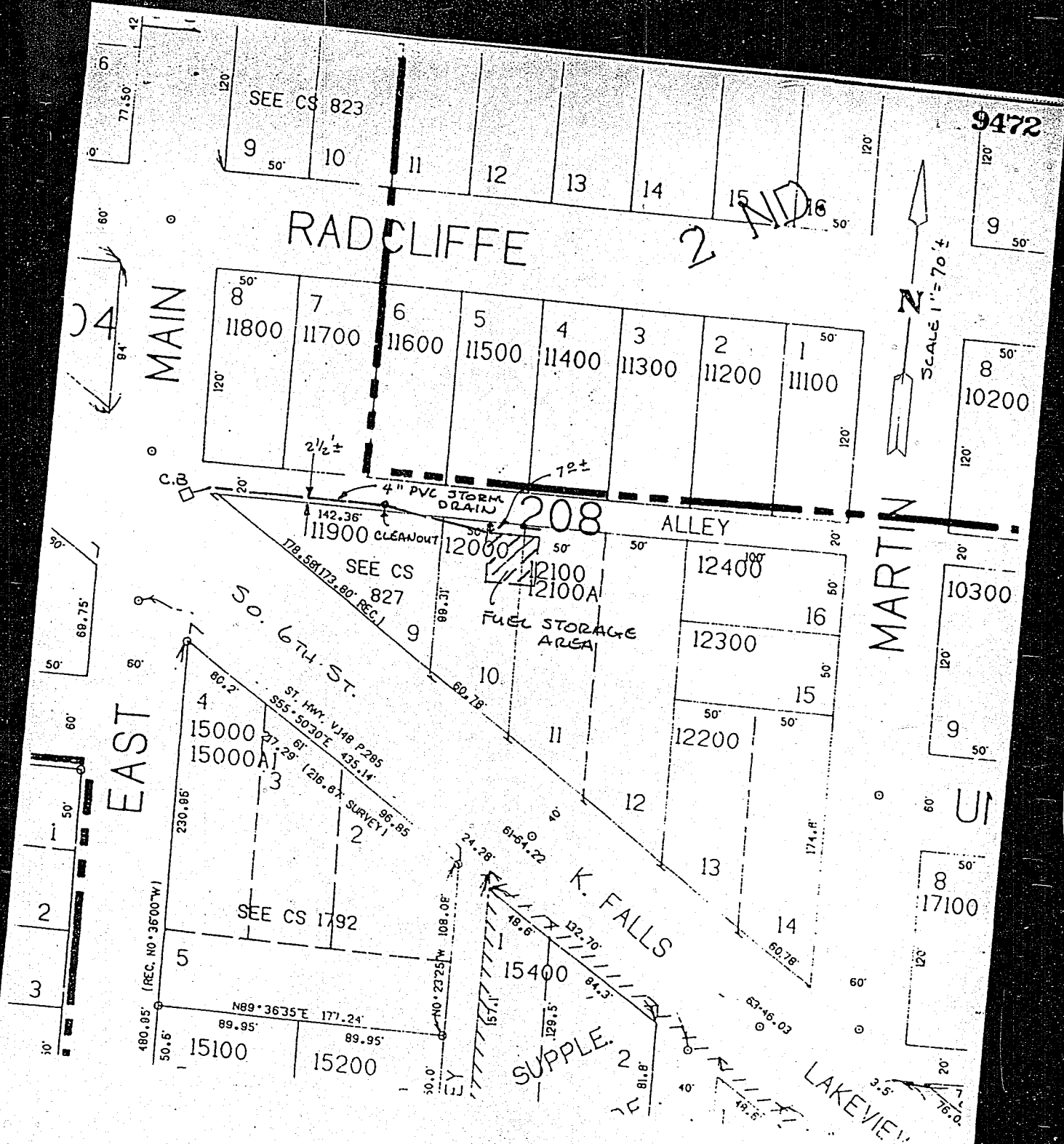


EXHIBIT "A"

AFTER RECORDING RETURN TO:
 City of Klamath Falls
 Administration Office
 P. O. Box 237
 Klamath Falls, OR 97601

STATE OF OREGON,
 County of Klamath ss.

Filed for record at request of:

City of Klamath Falls
 on this 31st day of May A.D., 19 89
 at 11:21 o'clock A.M. and duly recorded
 in Vol. M89 of Deeds Page 9471
 Evelyn Biehn
 By Daniel Muelendore County Clerk
 Fee, \$13.00
 Deputy.