

The City of Klamath Falls, Oregon, a municipal corporation (City) and Earl T. Hubard (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 North Sixth Street and North Seventh Street in Block 44 of First Addition to the City of Klamath Falls for the purpose of placement of a drainage system in the alleyway adjacent to Lot 10 of Block 44 (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 7th day of August, 1989.

CITY OF KLAMATH FALLS

GRANTEE

By:

George C. J. Kraft
Mayor

Earl T. Hubard
Earl T. Hubard

Attest:

Devin J. Fritz
City Recorder

AFTER RECORDING RETURN TO:

City Recorder's Office
P. O. Box 237
Klamath Falls, OR 97601

*89 AUG 31 AM 10 05

LEGAL DESCRIPTION OF ENCROACHMENT

20' alley way adjacent to Lot 10, Block 44, First Addition to the City of Klamath Falls.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

NW1/4 NE1/4 SEC. 3
KLAMATH

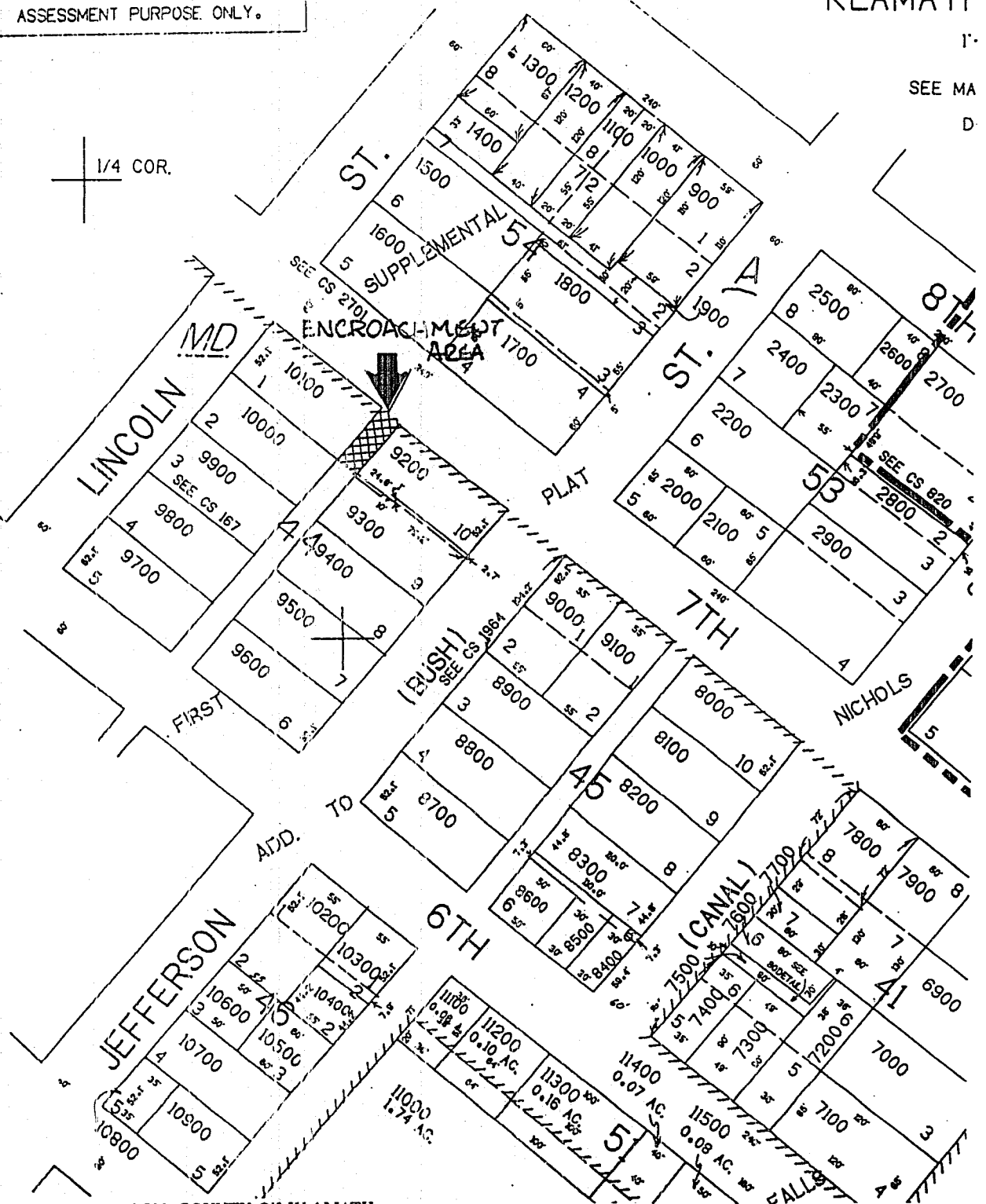
1'

SEE MA
D

1/4 COR.



SEE MAP 38 09 32BA



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 31st day
of Aug. A.D., 19 39 at 10:05 o'clock AM., and duly recorded in Vol. M89
of Deeds on Page 16370

FEE \$13.00

Evelyn Biehn County Clerk

By Pauline Muelken