

The City of Klamath Falls, Oregon, a municipal corporation (City) and Charles Whittemore (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 (Division Street and Main Street behind Main Street), more specifically between 1900 Main Street and 2012 Main Street in Block 23 of Industrial Addition to the City of Klamath Falls for the purpose of placement of a geothermal line in the alleyway (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 18th day of September, 1989.

CITY OF KLAMATH FALLS

GRANTEE

By: Norm C. Thiffault  
Mayor

Charles Whittemore  
Charles Whittemore

Attest: Debra S. Frost  
City Recorder

CO 2 M 51 NOV 68

MAIN STREET

CHAS. WHITTEMORE  
PROPOSED HOT WATER  
WELL PLAN.

1900 MAIN

2012 MAIN

DR. FREDERICKS  
MEDICAL  
BUILDING

PARKING

GARAGES

GREYSTONE  
APARTMENTS

PROPOSED DITCH

ALLEY

CITY REINSECTION LINES

ALLEY

PROPOSED DITCH REPRESENTED BY - - - - LINE, APPROXIMATELY 2' INTO THE  
ALLEY AND APPROXIMATELY 5' WIDE BY 2' TO 3' DEEP, DITCH APPROX. 150' LONG.  
REINSECTION LINES NOW IN PLACE REPRESENTED BY ||||| LINE.  
ALLEY SHOWN IN BOLD LINES

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 16th day  
of Nov. A.D., 1989 at 2:03 o'clock P.M., and duly recorded in Vol. M89,  
of Deeds on Page 22209.

FEE \$13.00

Evelyn Biehn, County Clerk

By Pauline Mullendar

City of Klamath Falls  
500 Klamath Ave  
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