

ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City), and John Poole (Grantee) for and in consideration of the covenance 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 Martin Street and Division Street right-of-way in the City of Klamath Falls, and is granted for the limited purpose of placement of a geothermal water line to carry geothermal water from 246 Martin Street to 233 Division Street (as shown on the attached map, 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 requirements; 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 \$50.00, 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 structure 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 1st day of October, 1990.

CITY OF KLAMATH FALLS

GRANTEE

By:

William C. [Signature]
Mayor Pro-tem

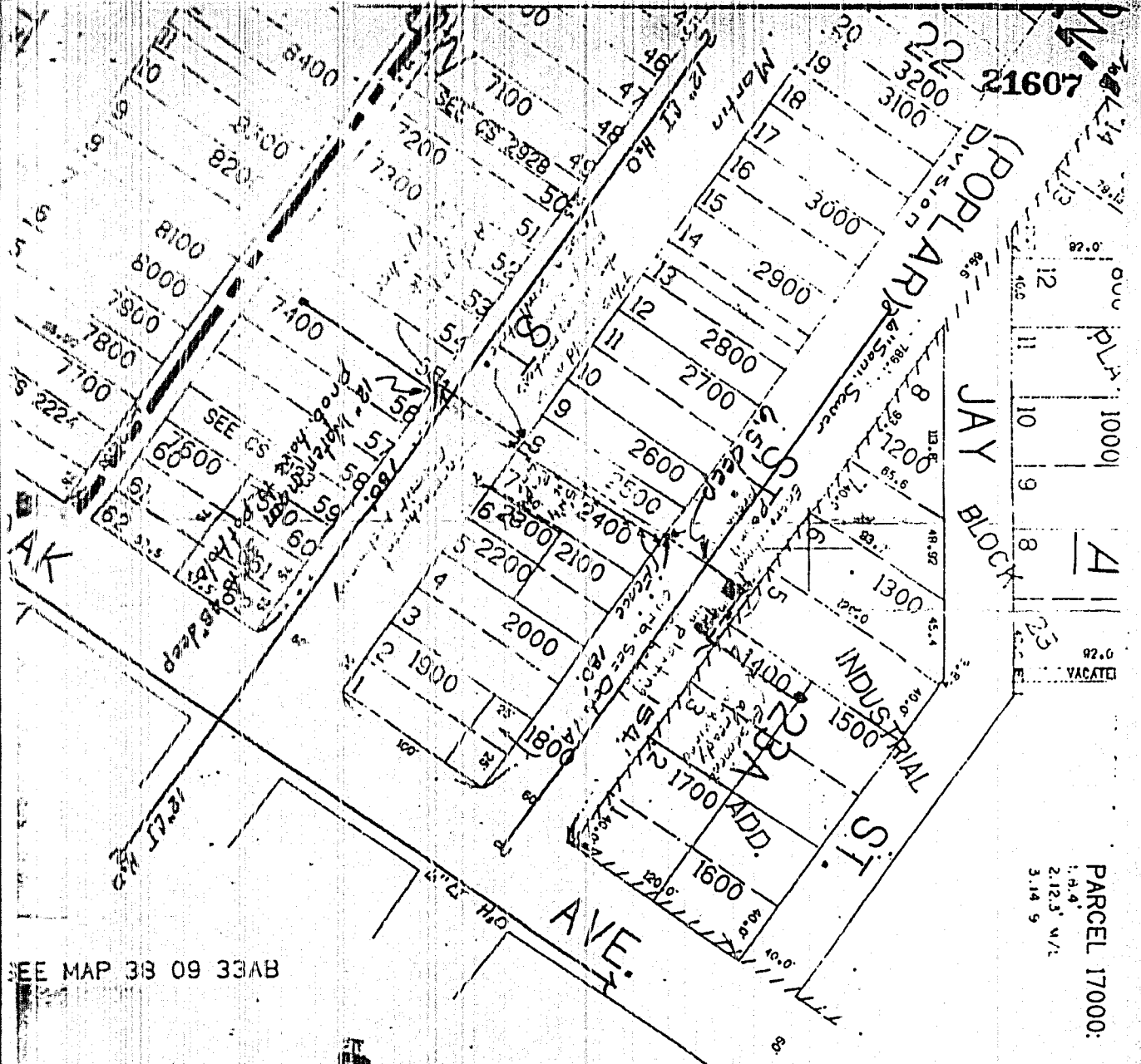
John Poole [Signature]
John Poole

Attest:

[Signature]
City Recorder

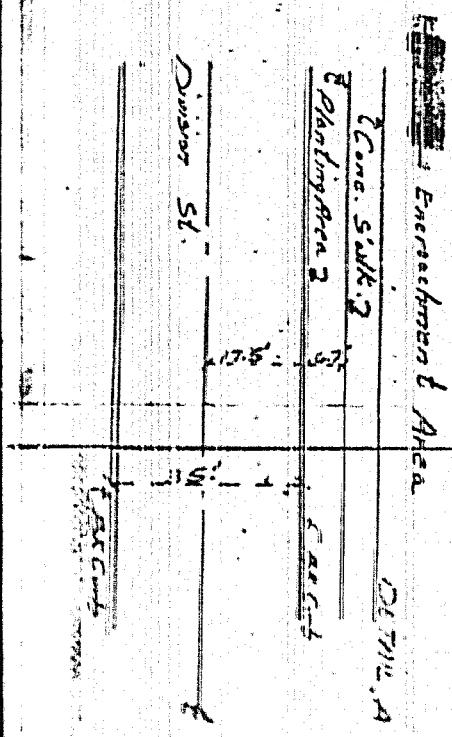
AFTER RECORDING RETURN TO:
City Recorder
P. O. Box 237
Klamath Falls, OR 97601

'90 OCT 22 PM 2 03



PARCEL 17000:
1.4' 4"
2.12.3' W/2
3.14' 9"

SEE MAP 38 09 33AB



STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

City of Klamath Falls

on this 26th day of Oct. A.D., 19 90
at 2:03 o'clock P. M. and duly recorded
in Vol. 8912 of Deeds Page 21606.

Evelyn Bielm

County Clerk

By

Paulene MacLennan

Deputy.

Fee. \$33.00

"Exhibit A"