

That the City of Klamath Falls, Oregon, a municipal corporation, (City), and Jeld-Wen, (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 across the Harbor Isles Blvd. right-of-way, as shown on the attached sketch map marked Exhibit "A" in the City of Klamath Falls, and is granted for the limited purpose of constructing one 14" steel casing to house a 10" PVC pipe for water transmission under Harbor Isles Blvd. 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; and

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 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 6th day of April, 1992.

CITY OF KLAMATH FALLS

JELD-WEN

By: *Clara Spade* Mayor Pro-tem By: *Randy Souders*  
Randy Souders,  
Shop Manager of Ben-Fab  
(On behalf of Jeld-Wen)

ATTEST: *Edward Fritz*  
City Recorder

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

NZ

8975

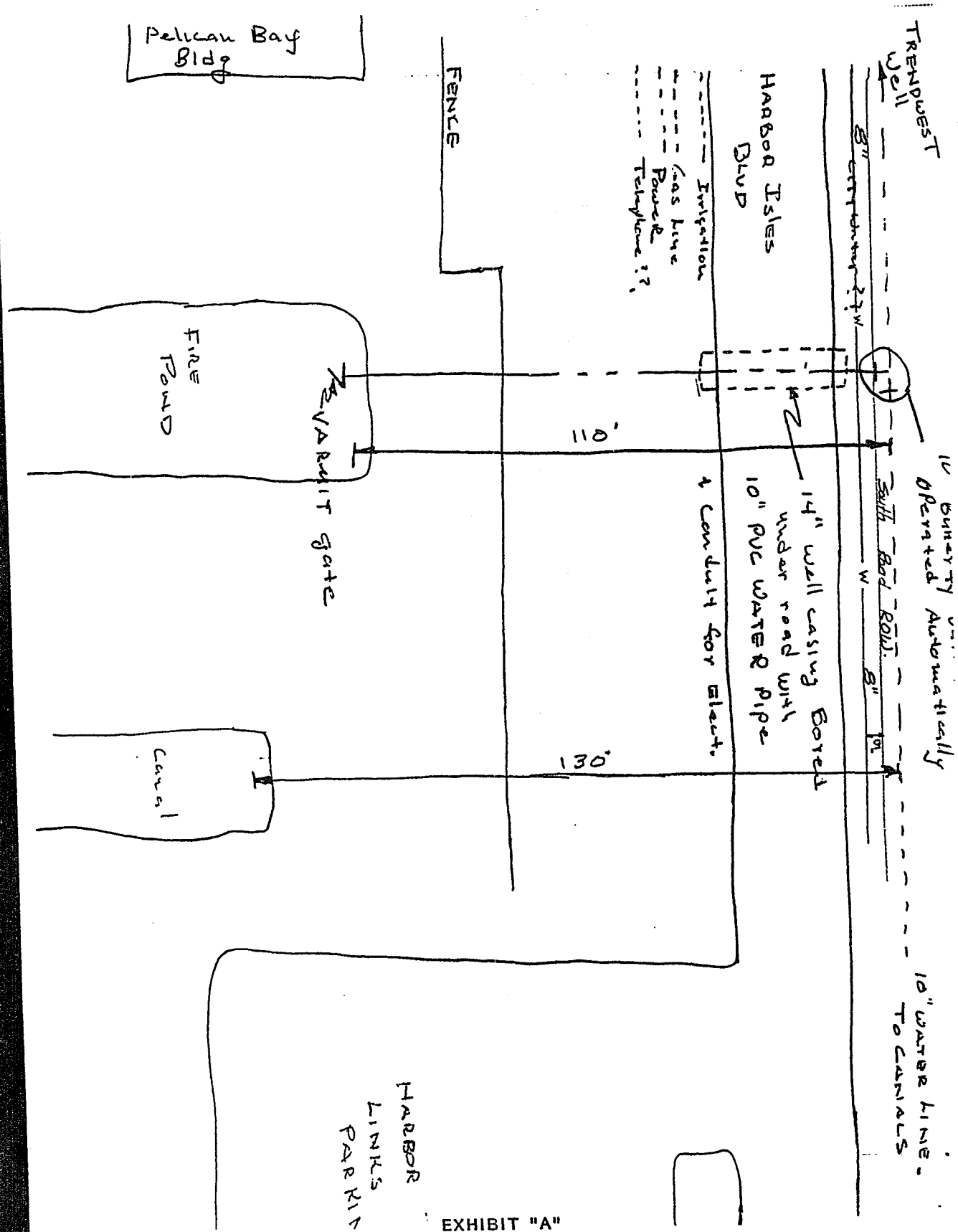


EXHIBIT "A"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 27th day of April A.D., 19 92 at 2:05 o'clock P M., and duly recorded in Vol. M92 of Needs on Page 8974  
By Evelyn Biehn County Clerk  
Quentin Mullendore

FEE \$35.00