

11-01-94 13:44 RCVD

ENCROACHMENT PERMIT

That the City of Klamath Falls, Oregon, a municipal corporation, (City), and Robert Delavan and Sarah Delavan, husband and wife, (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 Hillcrest Avenue right-of-way adjacent to Lots 5 and 6, Block 16, Terrace Addition, in the City of Klamath Falls, and is granted for the limited purpose of constructing a chain link fence, (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; and
- 2) Grantee shall be required to allow access to Hillcrest Avenue from Auburn Street for maintenance of a 6" sanitary sewer line.

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 17 day of November, 1994.

CITY OF KLAMATH FALLS

GRANTEE

By: *Donna Shoreland*
Director of Public Works

By: *Rob Delavan*
Robert Delavan
By: *Sarah Delavan*
Sarah Delavan

1015 Loma Linda
Klamath Falls, OR 97601

ATTEST: *Elsa D. Fritz*
City Recorder

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

