

ENCROACHMENT PERMIT

The City of Klamath Falls, Oregon, a municipal corporation (City) and Jeld-Wen, Inc., an Oregon corporation (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 triangular portion of the Hanks Street/Lakeport Boulevard right-of-way in the City of Klamath Falls at the intersection of Hanks and Lakeport (as shown on the attached map Exhibits "A" and "B"). This permit is granted for the limited purpose of beautification through landscaping and maintenance of the parcel. In conjunction with such use Grantee may, but is not obligated to, grade, landscape, contour, ditch, sprinkler, slope and embank the ground thereon to the extent that no such activity diminish, encumber, impede or negatively affect the size, shape or useability or safety of the adjacent roads. The timing of such activity shall be at the Grantee's sole discretion. This permit is subject 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 agrees that upon landscaping of the Encroachment area by Grantee, Grantee shall maintain the Encroachment in a good and husbandlike manner, such that it is comparable to City landscaping. The landscaping and maintenance of the Encroachment by the Grantee shall be reviewed periodically by the City. In the event the City determines that the maintenance of the Encroachment is not at a standards similar to City landscaping, the City shall send the Grantee a written notice of the deficiency, granting thirty (30) days to correct the deficiency. The Grantee may either correct the deficiency, weather permitting, pursuant to the notice of the deficiency, or contest the notice of the deficiency by arbitration as hereinafter provided.

Grantee agrees to pay to the City, as compensation for the privileges herein granted, the sum of Fifty Dollars (\$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 the public's loss of the privileges herein granted.

This agreement shall run from year to year unless terminated. It may be terminated upon ninety (90) 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 ninety (90) days.

Any dispute or claim that arises out of or that relates to this Permit, or to the interpretation or breach thereof, shall be resolved by arbitration in accordance with the then effective arbitration rules of Arbitration Service of Portland Inc. or the American Arbitration Association, whichever organization is selected by the party which first initiates arbitration by filing a claim in accordance with the filing rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed this 30 day of December, 1996.

CITY OF KLAMATH FALLS

JELD-WEN, Inc.

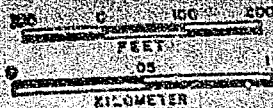
By: [Signature]
MayorBy: [Signature]Attest: [Signature]
City Recorder

15-
5-002

97 JAN 16 P1:52

1411

SCALE 1:2400



RECORDED
OCT 15 1935
MAP OF SEVEN
CHURCH DISTRICT

SEE MAP 38 03 1934

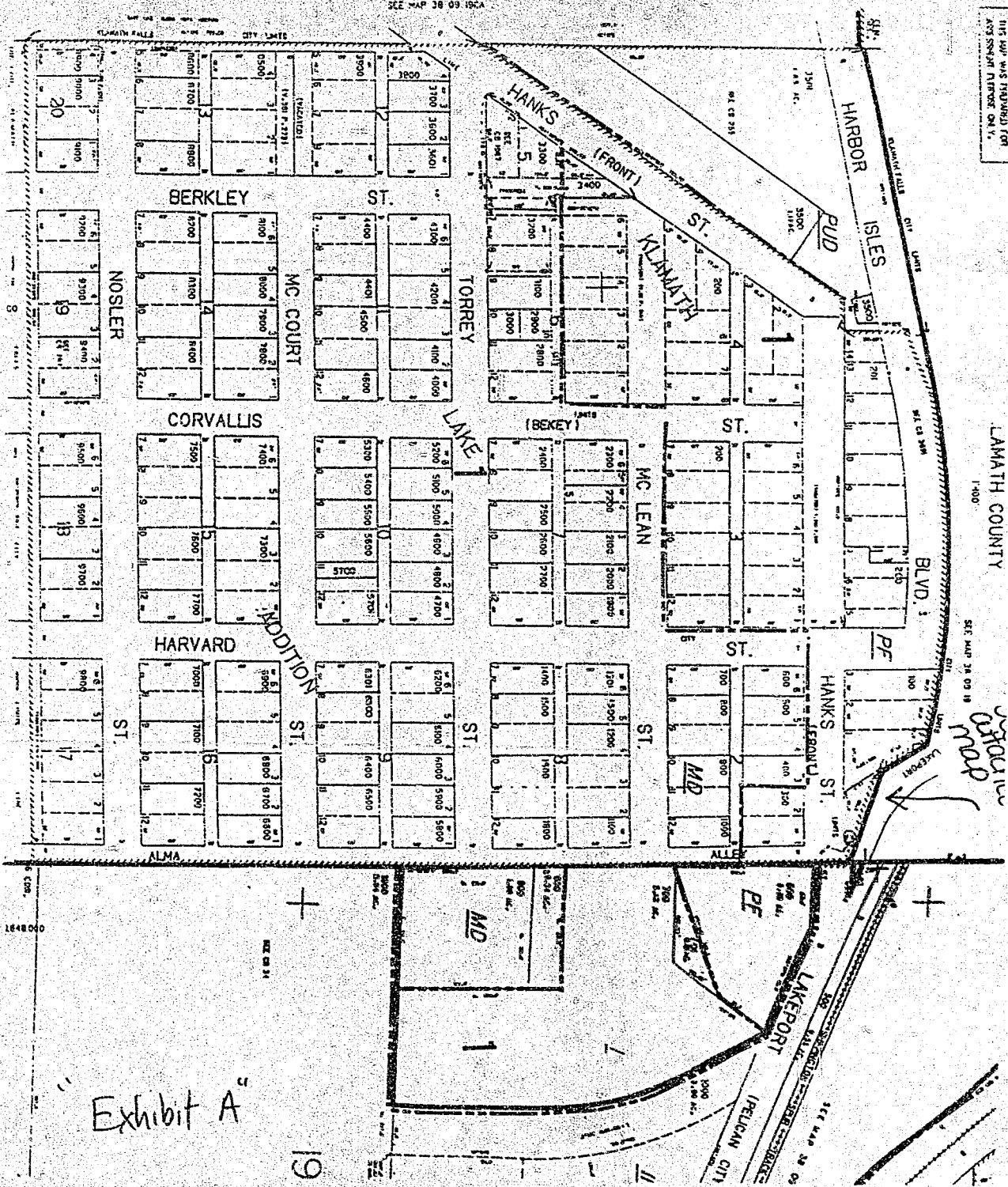
THIS MAP WAS PREPARED FOR
AS SHOWN THEREON ON 1/1

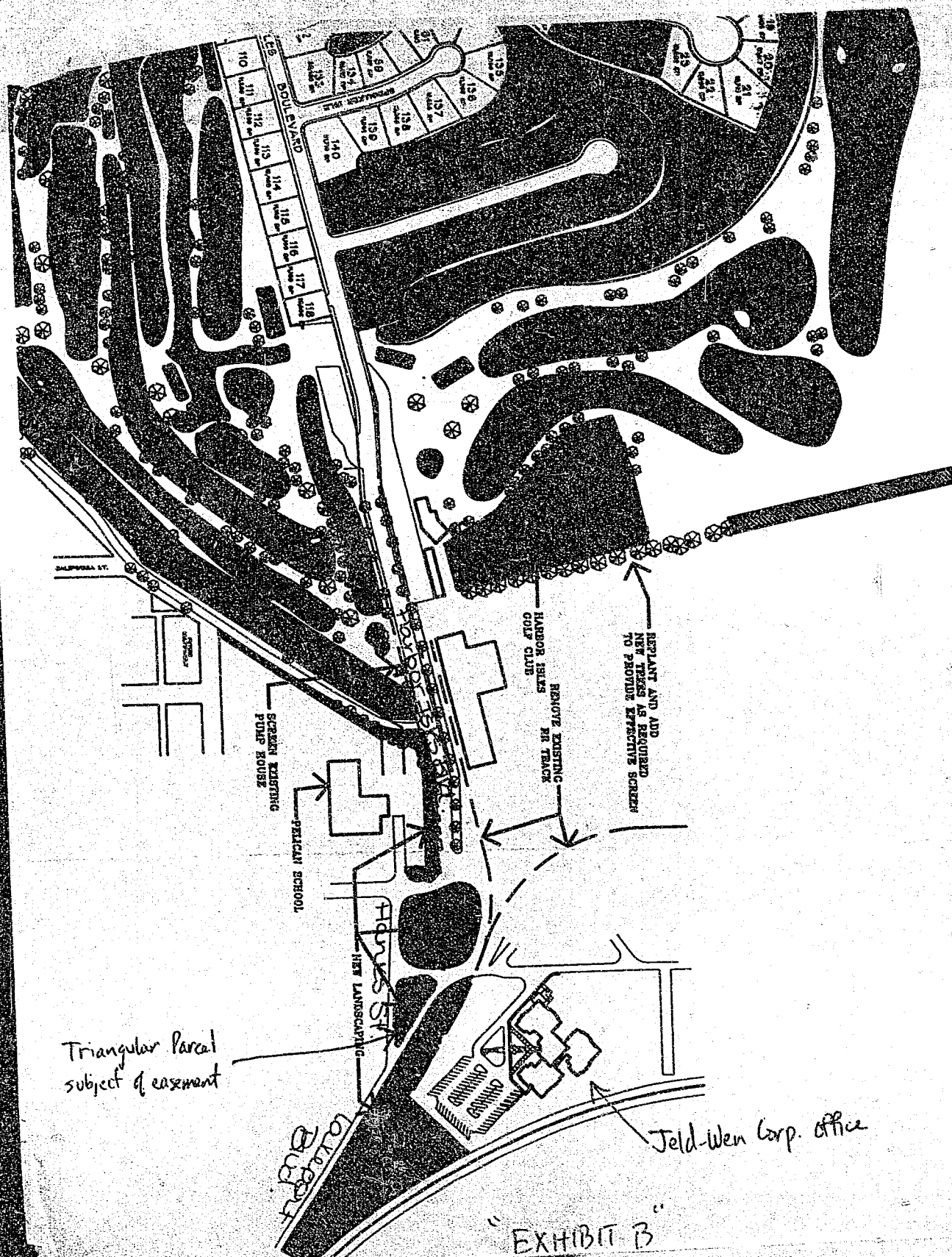
LAMATH COUNTY

1:400

SEE MAP 38 03 19

OFFICIAL
MAP





STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 16th day
 of January A.D., 19 97 at 1:52 o'clock P.M., and duly recorded in Vol. M97
 of Deeds on Page 1410

FEE \$20.00

Return: City Recorder
 P.O. Box 237 KFO 97601

by Bernetha G. Leisch, County Clerk
Kathleen Ross