

37733

ENCROACHMENT PERMIT Vol. 1797 Page 14938

The City of Klamath Falls, Oregon, a municipal corporation (City) and Norman Jones, 580 Loma Linda Drive, Klamath Falls, Oregon (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 Oak Street right-of-way in the City of Klamath Falls at its intersection with Eldorado Avenue (as shown on the attached map Exhibit "A", and drawing Exhibit "B"). This permit is granted for the limited purpose of installing a vault and facilities to extract heat from the City's storm drain and 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 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.
- 3) Grantee shall not assert water rights to City's storm drainage.

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 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 May, 1997.

CITY OF KLAMATH FALLS

GRANTEE

By: [Signature]

Mayor

Norman W. Jones

After Recording return to:

City Recorder, 500 Klamath Avenue, Klamath Falls, OR 97601

Attest.

97 MAY 15 P114

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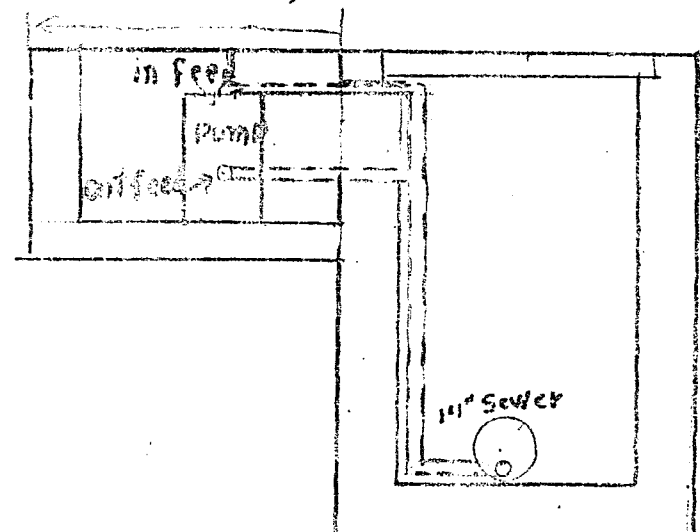
14939

Man Hole

NORMAN JONES CONSTRUCTION
Building Contractor

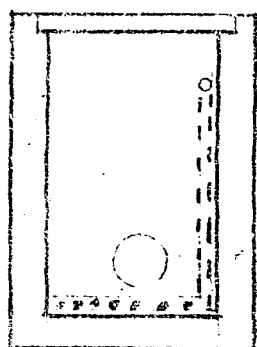
COMMERCIAL, RESIDENTIAL & INDUSTRIAL
683 LOMA LINDA DRIVE PHONE 892-0767
KLAMATH FALLS, OREGON 97601

This portion will be new



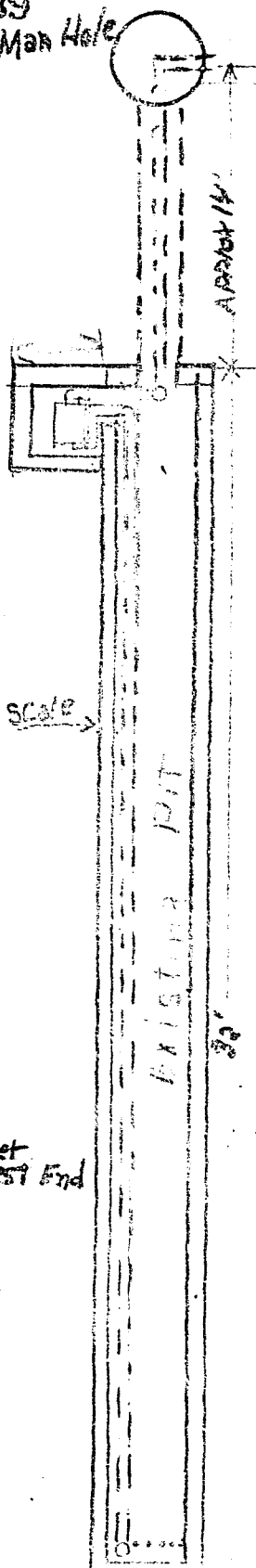
$\frac{1}{4}$ " Scale

Looking West
 $\frac{3}{4}$ " Scale



3" Higher
than West End

East End-Holes Showing
Water flow to West
 $\frac{1}{2}$ " Scale



STATE OF OREGON; COUNTY OF KLAMATH. ss

Filed for record at request of City of Klamath Falls the 15th day
of May A.D., 19 97 at 1:14 o'clock P.M., and duly recorded in Vol. 197
of Deeds on Page 14938

FFF \$20.00

by Kathleen Rose Bernetha G. Letsch, County Clerk