

97 JUL 30 P3:07

ENCROACHMENT PERMIT

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 upon both sides of Hanks Street and the south side of the Harbor Isles Boulevard rights-of-way in the City of Klamath Falls (as shown on the attached map Exhibit "A"). 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 shall provide city with as built drawings showing locations of underground sprinkler lines and valves.
- 3) 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 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 July, 1997.

CITY OF KLAMATH FALLS

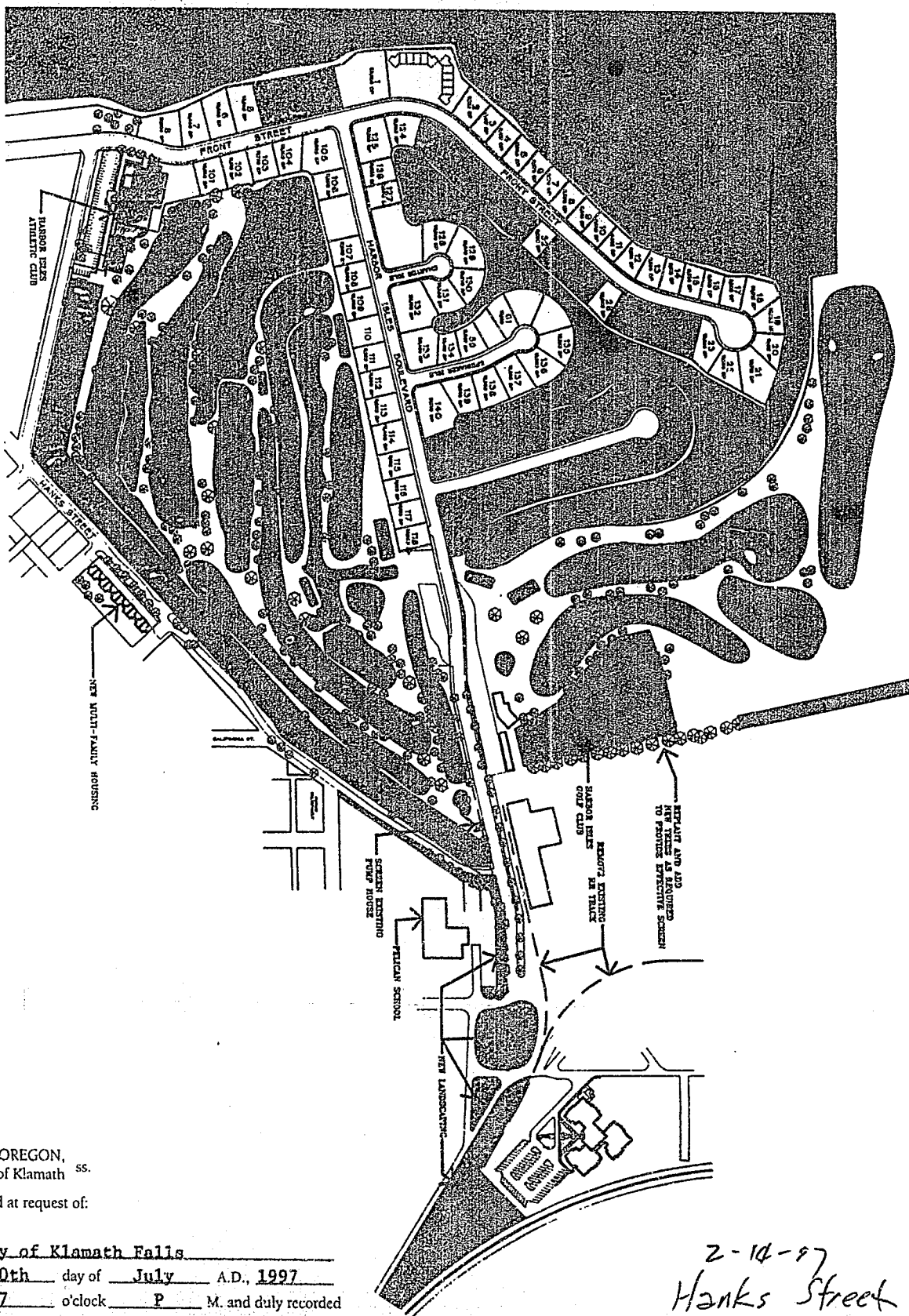
JELD-WEN, INC.

By: James R. Keller City Manager By: Stephen A. Lord

Attest: [Signature]
City Recorder

After recording return to:
City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

HARBOR ISLES



STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

City of Klamath Falls
on this 30th day of July A.D., 1997
at 3:07 o'clock P M. and duly recorded
in Vol. M97 of Deeds Page 24413
Bernetha G. Letsch, County Clerk

By Opelson Mulenbore

Fee, \$15.00

Deputy.

2-14-97
Hanks Street
Encroachment
permit & drawings